



Appendix A: Contributors to The State Plan on Domestic and Sexual Violence: A Guide for Safety and Justice in Arizona

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Appendix B: A Timeline of Key Events in the History of Domestic and Sexual Violence (1970s –2000s)

The 1970s

1970

1971

1972

1973

1974

1975

1976

1977

1978

1979

First US rape crisis center opens in San Francisco.

National Communications Network for the Elimination of Violence Against Women (NCN) publishes first national newsletter on issues facing battered women.

Women around the country organize the first annual "Take Back the Night" marches.

Pennsylvania founds the first state coalition against Domestic Violence.

First emergency rape crisis hotline opens in Washington, D.C.
Rainbow Retreat, one of the country's first battered women's shelters, opens in Phoenix, Arizona.

United States Commission on Civil Rights holds "A Consultation on Battered Women" in Washington DC. The two-day proceedings feature hundreds of advocates and result in the publication of "Battered Women: Issues of Public Policy." During this conference, the National Coalition Against Domestic Violence (NCADV) is born.

The 1980s

The first annual Domestic Violence Awareness Month is celebrated.

Over 500 shelters are in operation nationwide.

Subcommittees of the Navajo Nation Council hold hearings on the impact of domestic violence, and Navajo Nation courts develop rules for criminal and civil proceedings.

NCADV opens first national domestic hotline.

1980

1981

1982

1983

1984

1985

1986

1987

1988

1989

NCADV holds national conference. 600 women, representing 49 states, attend.

Arizona Coalition Against Domestic Violence is born.

Surgeon General identifies domestic violence as a major public health concern.

Congress passes the Family Violence Prevention and Services Act (FVPSA).

The 1990s

The U.S. Surgeon General announces that abuse by husbands is the leading cause of injuries to women aged 15 to 44.

The American Medical Association recommends that doctors screen women for signs of domestic violence.

Office on Violence Against Women is created within the Department of Justice. This office oversees over \$1 billion in grants to states.

The United Nations identifies violence against women as an international human rights issue and produces the Declaration on the Elimination of Violence Against Women.

Over 1,200 shelters are in operation nationwide.

Congress passes the Violence Against Women Act (VAWA) into law, providing increased funding for services, increased training for law enforcement, and further civil remedies for victims of violence.

Arizona Legislature creates the Domestic Violence Shelter Fund, a dedicated fund source for shelter services in the state.

The 2000s

Arizona Legislature and Governor approve the appropriation of \$3 million in TANF funding for emergency shelter and legal advocacy services.

Congress Reauthorizes of the Violence Against Women Act, adding the Trafficking Victims Protection Act of 2000.

Governor Napolitano renames the Commission to Prevent Family Violence to the Governor's Commission to Prevent Violence Against Women.

2000

2001

2002

2003

2004

2005

2006

2007

2008

2009

Arizona Legislature and Governor approve the appropriation \$500,000 for emergency shelter and legal advocacy services.

Landmark Nicholson case in New York City rules that Child Protective Services cannot remove a child from the home solely because their mothers are victims of domestic violence.

The State Plan on Domestic & Sexual Violence: A Guide for Safety & Justice in Arizona is developed and implementation begins.



Appendix C: Myths and Facts about Domestic Violence

Appendix C:

Myths and Facts about Domestic Violence

Myth:

Battering is a momentary loss of temper.

Fact:

Battering is a pattern of behavior that establishes power and control over a partner using threats and violent behavior.

**Myth:**

Battered victims who return to their abusers are masochistic or extremely dependent.

Fact:

Abusers manipulate women's emotions using "recapture" language and tactics, convincing them to return.

**Myth:**

Most battered women are young, poor, minority, uneducated or unemployed.

Fact:

Domestic violence affects women of all races, ages, religions and social, economic or employment status.

**Myth:**

Battered women choose the wrong partner because of something in their past that affects their judgment.

Fact:

Domestic violence is not the result of poor judgment of a woman. Violence is a conscious choice of the abuser.

Myth:

Women cry “domestic violence” just to win in custody cases.

Fact:

In fact, there is a backlash against victims of domestic violence. Nationwide, in 70% of cases where abuse is alleged, the abusive parent gets full custody of the children.

**Myth:**

Battered women in shelters don’t know how to make good decisions, or they wouldn’t be there.

Fact:

The decision to go to a shelter is an act toward safety; a woman in a shelter sacrifices her privacy and her own home to obtain safety.

**Myth:**

If battered women would just leave, the abuse would stop.

Fact:

Actually, the most dangerous time for victims is when they are leaving.

**Myth:**

Alcohol and drugs cause domestic violence.

Fact:

While alcohol and drugs are present in many domestic violence scenes, they cannot be blamed for the violence - the abuser makes a choice to behave violently.

**Myth:**

Children aren’t aware of the violence in their home.

Fact:

There is no age at which children living with domestic violence are not adversely affected.





Appendix D: Glossary of Terms and Acronyms

Appendix D:

Glossary of Terms

Conditions of Release

A document provided by the court detailing the requirements and prohibitions of a person coming out of jail or prison.

Domestic Violence

Physical, sexual, emotional or psychological abuse of a current or former intimate partner.

Dual Arrest

Situation in which a law enforcement officer arrests both parties in a domestic violence situation.

Felony

A serious crime that is punishable by a more stringent sentence than that given for a misdemeanor.

Misdemeanor

A crime, less serious than a felony, which is punishable by a fine or imprisonment in a county or city jail rather than in a penitentiary.

Order of Protection

An Order of Protection is a civil court order that can be requested by a victim and is meant to protect that person from harm or harassment by the abuser.

Predominant Aggressor

The person who is more likely to inflict injury and less likely to be afraid as a result of having the power and control in the relationship.

Prevention

Primary Prevention

Primary prevention strategies protect individuals from becoming a victim, perpetrator, or witness of domestic or sexual violence.

Secondary Prevention/Early Intervention

Secondary prevention strategies aim to help keep individuals who have already been exposed to abuse from experiencing negative consequences linked with that experience.

Tertiary Prevention

Tertiary prevention strategies aim to help individuals who have already suffered negative consequences from DV or SA from experiencing ongoing, debilitating effects.

Sexual Assault

Purposeful exposure of an unwilling or unconsenting person to actions with sexual content, ranging from inappropriate touching to intercourse.

Shelter/Safe House

A safe, temporary place for victims of domestic violence and their children to go when they have left their abuser. The length of stay varies from 30 days at some shelters to 120 days in others. Some shelters also offer transitional housing, where women and children can stay for as long as two years.

Vulnerable Adult

A person who is either being mistreated or in danger of being mistreated or neglected, and who, because of age and/or disability, is unable to protect him/herself.



AHCCCS

Arizona Health Care Cost Containment System

APS

Adult Protective Services

AOCA

Administrative Office of the Courts, AZ Supreme Court

ARS

Arizona Revised Statute

BHS

Behavioral Health Services

BIW

Battered Immigrant Women

CCRT

Coordinated Community Response Team

CDC

Center for Disease Control

CPOR

Court Protective Order Repository

CPS

Child Protective Services

CPVAW

Commission to Prevent Violence Against Women

CRT

Crisis Response Team

DES

Department of Economic Security

DFW

Division for Women

DHS

Department of Health

DPS

Department of Public Safety

DOH

Department of Housing

DOJ

US Department of Justice

DVOTP

Domestic Violence Offender Treatment Program

EADV

Employers Against Domestic Violence

FAC

Family Advocacy Center

FRT

Fatality Review Team

GOCYF

Governor's Office for Children, Youth and Families

HHS

US Department of Health and Human Services

HMIS

Homeless Management
Information System

HUD

US Department of Housing and
Urban Development

IAH

Injunction Against Harassment

IDT

Implementation Design Teams

LGBT

Lesbian, Gay, Bisexual or
Transgendered

MAN

Men's Anti-violence Network

MDT

Multidisciplinary Team

NFSA

Need For Services Assessment

OBHL

Office of Behavioral Health
Licensure

OP

Order of Protection

RAINN

Rape, Abuse, Incest National
Network

SACT

State Agency Coordinating Team

SART

Sexual Assault Response Team

SCAN

Sex Crimes Analysis Network

SSI

Supplemental Security Income

TANF

Temporary Assistance for Needy
Families

VAWA

Violence Against Women Act

VICAP

Violent Criminal Apprehension
Program



Appendix E: Arizona Revised Statutes for Domestic Violence and Sexual Assault

A. "Domestic violence" means any act which is a dangerous crime against children as defined in section 13-604.01 or an offense defined in section 13-1201 through 13-1204, 13-1302 through 13-1304, 13-1502 through 13-1504 or 13-1602, section 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2916 or section 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
2. The victim and the defendant have a child in common.
3. The victim or the defendant is pregnant by the other party.
4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

B. A peace officer may, with or without a warrant, arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense is a felony or a misdemeanor and whether such offense was committed within or without the presence of the peace officer. In cases of domestic violence involving the infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, the peace officer shall arrest a person, with or without a warrant, if the officer has probable cause to believe that the offense has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether such offense was committed within or without the presence of the peace officer, unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury. Failure to make an arrest does not give rise to civil liability except pursuant to section 12-820.02. In order

Appendix E:

Arizona Revised Statutes for Domestic Violence and Sexual Assault

As of June 2004

ARS 13-3601.

Domestic violence;
definition;
classification;
sentencing option;
arrest and
procedure for
violation; weapon
seizure; notice;
report; diversion

to arrest both parties, the peace officer shall have probable cause to believe that both parties independently have committed an act of domestic violence. An act of self-defense that is justified under chapter 4 of this title is not deemed to be an act of domestic violence. The release procedures available under section 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable to arrests made pursuant to this subsection.

- C. A peace officer may question the persons who are present to determine if a firearm is present on the premises. On learning or observing that a firearm is present on the premises, the peace officer may temporarily seize the firearm if the firearm is in plain view or was found pursuant to a consent to search and if the officer reasonably believes that the firearm would expose the victim or another person in the household to a risk of serious bodily injury or death. A firearm owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties independently have committed an act of domestic violence.
- D. If a firearm is seized pursuant to subsection C of this section, the peace officer shall give the owner or possessor of the firearm a receipt for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristic of each seized firearm. Each seized firearm shall be held for at least seventy-two hours by the law enforcement agency that seized the firearm.
- E. If a firearm is seized pursuant to subsection C of this section, the victim shall be notified by a peace officer before the firearm is released from temporary custody.
- F. If there is reasonable cause to believe that returning a firearm to the owner or possessor may endanger the victim, the person who reported the assault or threat or another person in the household, the prosecutor shall file a notice of intent to retain the firearm in the appropriate superior, justice or municipal court. The prosecutor shall serve notice on the owner or possessor of the firearm by certified mail. The notice shall state that the firearm will be retained for not more than six months following the date of seizure. On receipt of the notice, the owner or possessor may request a hearing for the return of the firearm, to dispute the grounds for seizure or to request an earlier return date. The court shall hold the hearing within ten days after receiving the owner's or possessor's request for a hearing. At the hearing, unless the court determines that the return of the firearm may endanger the victim, the person who reported the assault or threat or another person in the household, the court shall order the return of the firearm to the owner or possessor.



- G. A peace officer is not liable for any act or omission in the good faith exercise of the officer's duties under subsections C, D, E and F of this section.
- H. Each indictment, information, complaint, summons or warrant that is issued and that involves domestic violence shall state that the offense involved domestic violence and shall be designated by the letters DV. A domestic violence charge shall not be dismissed or a domestic violence conviction shall not be set aside for failure to comply with this subsection.
- I. A person arrested pursuant to subsection B of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. Any order for release, with or without an appearance bond, shall include pretrial release conditions necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions which the court deems appropriate, including participation in any counseling programs available to the defendant.
- J. When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of such victim including:
 - 1. An order of protection pursuant to section 13-3602, an injunction pursuant to section 25-315 and an injunction against harassment pursuant to section 12-1809.
 - 2. The emergency telephone number for the local police agency.
 - 3. Telephone numbers for emergency services in the local community.
- K. A peace officer is not civilly liable for noncompliance with subsection J of this section.
- L. An offense included in domestic violence carries the classification prescribed in the section of this title in which the offense is classified. If the defendant committed a felony offense listed in subsection A of this section against a pregnant victim and knew that the victim was pregnant or if the defendant committed a felony offense causing physical injury to a pregnant victim and knew that the victim was pregnant, the maximum sentence otherwise authorized shall be increased by up to two years.
- M. If the defendant is found guilty of an offense included in domestic violence and if probation is otherwise available for that offense, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation or intensive probation, as provided in this subsection. The terms and conditions of probation or intensive probation shall include those necessary to provide for



the protection of the alleged victim and other specifically designated persons and additional conditions and requirements which the court deems appropriate, including imposition of a fine, incarceration of the defendant in a county jail, payment of restitution, completion of a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other counseling or diversionary programs that do not involve domestic violence and that are available to the defendant. On violation of a term or condition of probation or intensive probation, the court may enter an adjudication of guilt and proceed as otherwise provided for revocation of probation. On fulfillment of the terms and conditions of probation or intensive probation, the court shall discharge the defendant and dismiss the proceedings against the defendant. This subsection does not apply in any case in which the defendant has previously been found guilty under this section, or in which charges under this section have previously been dismissed in accordance with this subsection.

- N. If a defendant is diverted pursuant to this section, the court shall provide the following written notice to the defendant:

You have been diverted from prosecution for an offense included in domestic violence. You are now on notice that:

1. If you successfully complete the terms and conditions of diversion, the court will discharge you and dismiss the proceedings against you.
2. If you fail to successfully complete the terms and conditions of diversion, the court may enter an adjudication of guilt and proceed as provided by law.

- O. If the defendant is found guilty of a first offense included in domestic violence, the court shall provide the following written notice to the defendant:

You have been convicted of an offense included in domestic violence. You are now on notice that:

1. If you are convicted of a second offense included in domestic violence, you may be placed on supervised probation and may be incarcerated as a condition of probation.
2. A third or subsequent charge may be filed as a felony and a conviction for that offense shall result in a term of incarceration.

The failure or inability of the court to provide the notice required under subsections N and O of this section does not preclude the use of the prior convictions for any purpose otherwise permitted.



ARS 13-3602.

**Order of protection;
procedure; contents; arrest
for violation; penalty;
protection order from
another jurisdiction**

- A. A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence. If the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise. The petition shall name the parent, guardian or custodian as the plaintiff and the minor is a specifically designated person for the purposes of subsection G of this section. If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff. For the purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.
- B. An order of protection shall not be granted:
1. Unless the party who requests the order files a written verified petition for an order.
 2. Against a person who is less than twelve years of age unless the order is granted by the juvenile division of the superior court.
 3. Against more than one defendant.
- C. The petition shall state the:
1. Name of the plaintiff. The plaintiff's address shall be disclosed to the court for purposes of service. If the address of the plaintiff is unknown to the defendant, the plaintiff may request that the address be protected. On the plaintiff's request, the address shall not be listed on the petition. Whether the court issues an order of protection, the protected address shall be maintained in a separate document or automated database and is not subject to release or disclosure by the court or any form of public access except as ordered by the court.
 2. Name and address, if known, of the defendant.

3. Specific statement, including dates, of the domestic violence alleged.
 4. Relationship between the parties pursuant to section 13-3601, subsection A and whether there is pending between the parties an action for maternity or paternity, annulment, legal separation or dissolution of marriage.
 5. Name of the court in which any prior or pending proceeding or order was sought or issued concerning the conduct that is sought to be restrained.
 6. Desired relief.
- D. A fee shall not be charged for filing a petition under this section or for service of process. On request of the plaintiff, each order of protection that is issued by a municipal court shall be served by the police agency for that city if the defendant can be served within the city. If the defendant cannot be served within the city, the police agency in the city in which the defendant can be served shall serve the order. If the order cannot be served within a city, the sheriff shall serve the order. On request of the plaintiff, each order of protection that is issued by a justice of the peace shall be served by the constable or sheriff for that jurisdiction if the defendant can be served within the jurisdiction. If the defendant cannot be served within that jurisdiction, the constable or sheriff in the jurisdiction in which the defendant can be served shall serve the order. On request of the plaintiff, each order of protection that is issued by a superior court judge or commissioner shall be served by the sheriff of the county. If the defendant cannot be served within that jurisdiction, the sheriff in the jurisdiction in which the defendant can be served shall serve the order. Each court shall provide, without charge, forms for purposes of this section for assisting parties without counsel. The court shall make reasonable efforts to provide to both parties an appropriate information sheet on emergency and counseling services that are available in the local area.
- E. The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff to determine whether the orders requested should issue without further hearing. The court shall issue an order of protection under subsection G of this section if the court determines that there is reasonable cause to believe any of the following:
1. The defendant may commit an act of domestic violence.
 2. The defendant has committed an act of domestic violence within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period.



- F. For purposes of determining the period of time under subsection E, paragraph 2 of this section, any time that the defendant has been incarcerated or out of this state shall not be counted. If the court denies the requested relief, it may schedule a further hearing within ten days, with reasonable notice to the defendant.
- G. If a court issues an order of protection, the court may do any of the following:
1. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence.
 2. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result. If the other party is accompanied by a law enforcement officer, the other party may return to the residence on one occasion to retrieve belongings. A law enforcement officer is not liable for any act or omission in the good faith exercise of the officer's duties under this paragraph.
 3. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons on a showing that there is reasonable cause to believe that physical harm may otherwise result.
 4. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.
 5. If the order was issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other program deemed appropriate by the court.
 6. Grant relief that is necessary for the protection of the alleged victim and other specifically designated persons and that is proper under the circumstances.



- H. The court shall not grant a mutual order of protection. If opposing parties separately file verified petitions for an order of protection, the courts after consultation between the judges involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross orders of protection.
- I. At any time during the period during which the order is in effect, a party under an order of protection or restrained from contacting the other party is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a party who is under an order of protection or who is restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order that is issued under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order.
- J. The order shall include the following statement:

Warning

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

- K. A copy of the petition and the order shall be served on the defendant within one year from the date the order is signed. An order of protection that is not served on the defendant within one year expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires one year after service on the defendant. A modified order is effective upon service and expires one year after service of the initial order and petition.
- L. Each affidavit, acceptance or return of service shall be promptly filed with the clerk of the issuing court. This filing shall be completed in person, shall be made by fax or shall be postmarked, if sent by mail, no later than the end of the seventh court business day after the date of service. If the filing is made by fax, the original affidavit, acceptance or return of service shall be promptly filed with the court. Within twenty-four hours after the affidavit, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall forward to the sheriff of the county in which the court is



a copy of the order of protection and a copy of the affidavit or certificate of service of process or acceptance of service. On receiving these copies, the sheriff shall register the order. Registration of an order means that a copy of the order of protection and a copy of the affidavit or acceptance of service have been received by the sheriff's office. The sheriff shall maintain a central repository for orders of protection so that the existence and validity of the orders can be easily verified. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the order on the defendant.

- M. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order that is issued in any jurisdiction in this state pursuant to this section, whether or not such violation occurred in the presence of the officer. Criminal violations of an order issued pursuant to this section shall be referred to an appropriate law enforcement agency. The law enforcement agency shall request that a prosecutorial agency file the appropriate charges. A violation of an order of protection shall not be adjudicated by a municipal or justice court unless a complaint has been filed or other legal process has been requested by the prosecuting agency. The provisions for release under section 13-3883, subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made pursuant to this section. For purposes of this section, any court in this state has jurisdiction to enforce a valid order of protection that is issued in this state and that has been violated in any jurisdiction in this state.
- N. A person who is arrested pursuant to subsection M of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for any other additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.



O. The remedies provided in this section for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The superior court shall have exclusive jurisdiction to issue orders of protection in all cases if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal court or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. After issuance of an order of protection, if the municipal court or justice court determines that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties, the municipal court or justice court shall stop further proceedings in the action and forward all papers, together with a certified copy of docket entries or any other record in the action, to the superior court where they shall be docketed in the pending superior court action and shall proceed as though the petition for an order of protection had been originally brought in the superior court. Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on all matters relating to its ex parte order of protection if the hearing was requested before receiving written notice of the pending superior court action. No order of protection shall be invalid or determined to be ineffective merely because it was issued by a lower court at a time when an action for maternity or paternity, annulment, legal separation or dissolution of marriage was pending in a higher court. After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order that is entered by a justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, section 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. No fee may be charged to either party for filing an appeal. For the purposes of this subsection, "pending" means, with respect to an action for annulment, legal separation or dissolution of marriage or for maternity or paternity, either that:

1. An action has been commenced but a final judgment, decree or order has not been entered.
2. A post-decree proceeding has been commenced but a judgment, decree or order finally determining the proceeding has not been entered.



- P. A peace officer who makes an arrest pursuant to this section or section 13-3601 is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice.
- Q. In addition to persons authorized to serve process pursuant to rule 4(d) of the Arizona rules of civil procedure, a peace officer or a correctional officer as defined in section 41-1661 who is acting in the officer's official capacity may serve an order of protection that is issued pursuant to this section. Service of the order of protection has priority over other service of process that does not involve an immediate threat to the safety of a person.
- R. A valid protection order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction. For the purposes of this subsection:
1. A protection order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to another person. A protection order includes temporary and final orders other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a pendente lite order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.
 2. A protection order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a United States territory or an Indian tribe and the person against whom the order was issued had reasonable notice and an opportunity to be heard. If the order is issued ex parte, the notice and opportunity to be heard shall be provided within the time required by the laws of the issuing state, a United States territory or an Indian tribe and within a reasonable time after the order was issued.



3. A mutual protection order that is issued against both the party who filed a petition or a complaint or otherwise filed a written pleading for protection against abuse and the person against whom the filing was made is not entitled to full faith and credit if either:
 - (a) The person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a protection order.
 - (b) The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order.
4. A peace officer may presume the validity of and rely on a copy of a protection order that is issued by another state, a United States territory or an Indian tribe if the order was given to the officer by any source. A peace officer may also rely on the statement of any person who is protected by the order that the order remains in effect. A peace officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.



- A. A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
- B. Sexual assault is a class 2 felony, and the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. If the victim is under fifteen years of age, sexual assault is punishable pursuant to section 13-604.01. The presumptive term may be aggravated or mitigated within the range under this section pursuant to section 13-702, subsections B, C and D. If the sexual assault involved the intentional or knowing administration of flunitrazepam, gamma hydroxy butyrate or ketamine hydrochloride without the victim's knowledge, the presumptive, minimum and maximum sentence for the offense shall be increased by three years. The additional sentence imposed pursuant to this subsection is in addition to any enhanced sentence that may be applicable.

ARS 13-1406.

**Sexual assault;
classification;
increased
punishment**

The term for a first offense is as follows:

Minimum	Presumptive	Maximum
5.2 years	7 years	14 years

The term for a defendant who has one historical prior felony conviction is as follows:

Minimum	Presumptive	Maximum
7 years	10.5 years	21 years

The term for a defendant who has two or more historical prior felony convictions is as follows:

Minimum	Presumptive	Maximum
14 years	15.75 years	28 years

- C. The sentence imposed on a person for a sexual assault shall be consecutive to any other sexual assault sentence imposed on the person at any time.
- D. Notwithstanding sections 13-604 and 13-604.01, if the sexual assault involved the intentional or knowing infliction of serious physical injury, the person may be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until at least twenty-five years have been served or the sentence is commuted. If the person was at least eighteen years of age and the victim was twelve years of age or younger, the person shall be sentenced pursuant to section 13-604.01, subsection A.

ARS 13-1406-01

Sexual assault of a spouse; violation; classification

- A. A person commits sexual assault of a spouse by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with a spouse without consent of the spouse by the immediate or threatened use of force against the spouse or another.
- B. A first offense sexual assault of a spouse is a class 6 felony. Pursuant to section 13-702, the judge has discretion to enter judgment for conviction of a class 1 misdemeanor with mandatory counseling. Any subsequent sexual assault of a spouse is a class 2 felony and the person convicted is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. Convictions for two or more offenses not committed on the same occasion but consolidated for trial purposes shall not be counted as prior convictions for purposes of this section.





Appendix F: References

Appendix F:

References

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http://www.mncasa.org/manuals_lit/trainingmanual/introduction.html

Schneider, Elizabeth M. *Battered Women and Feminist Lawmaking*, Yale University Press, New Haven, CT, 2000

Wilson, K.J. *When Violence Begins at Home: A Comprehensive Guide to Understanding and Ending Domestic Violence*, Hunter House, Inc., Alameda, CA, 1997

Related Websites

Arizona Coalition Against Domestic Violence www.azcadv.org
Arizona Sexual Assault Network www.azsan.org
Family Violence Prevention Fund www.endabuse.org
Minnesota Center Against Violence and Abuse www.mincava.org
National Bureau of Justice Statistics <http://www.ojp.usdoj.gov/bjs/>
National Center for Injury Prevention and Control <http://www.cdc.gov/ncipc/>
National Center on Elder Abuse www.elderabusecenter.org
National Center on Domestic and Sexual Violence <http://www.ncsdv.org/>
National Coalition Against Domestic Violence www.ncadv.org
National Domestic Violence Hotline <http://www.ndvh.org> 1-800-799-SAFE
National Sexual Assault Hotline 1-800-656-HOPE
National Sexual Violence Resource Center <http://www.nsivrc.org>
Rape, Abuse and Incest National Network (RAINN) <http://www.rainn.org>
Southern Arizona Center Against Sexual Assault (SACASA) www.sacasa.org
Violence Against Women Online Resources <http://www.vaw.umnn.edu/>



The State Plan on Domestic and Sexual Violence: A Guide for Safety and Justice in Arizona
is available in alternative formats by contacting the
Governor's Office for Children, Youth and Families - Division for Women, 602-542-1773.

